

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	CASE NO.: MAG-06-RR-044-S
RUSSELL LEE DEBUSK, JR.,	)	
BENJAMIN NATHAN MOSELEY, and	)	
MATTHEW LEE CLOYD,	)	
	)	
Defendants.	)	

ORDER SETTING CONDITIONS OF RELEASE

A detention hearing was held.<sup>1</sup> The government called one witness who testified to two nights of church burnings, and to injuries to two firefighters. The government's witness testified that a sliver of glass punctured the glove and hand of one firefighter, while the other firefighter was hit on his head by falling debris, which resulted in a cracked tooth or teeth, back pain, a hematoma, and interference with sleep; however, an impression of serious injury was not created. All parties pointed to the pre-trial services reports prepared by the United States Probation Office.

The court shall not order detention of a defendant if a condition or combination of conditions can be imposed upon his release which would reasonably assure his appearance in court as needed and the safety of any other person and the community. 18 U.S.C. §3142(f). In addition to other pertinent information that may be considered, 18 U.S.C. §3142 (g) sets out factors to be considered by the court:

(g) Factors to be considered.--The judicial officer shall, in determining whether there are conditions of release that will reasonably assure the appearance of the person as

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<sup>1</sup>All three defendants waived their right to a preliminary examination.

required and the safety of any other person and the community, take into account the available information concerning--

(1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence, or an offense listed in section 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed or involves a narcotic drug;

(2) the weight of the evidence against the person;

(3) the history and characteristics of the person, including--

(A) the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

(B) whether, at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and

4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release.

Without setting out all of the contents of the pre-trial services reports, which are based on various interviews and investigations conducted by a probation officer, these defendants are all similarly situated. They were all exemplary high school students who attained various honors during their high school years. They were attending college at the time of the commission of the alleged offenses and apparently were having successful college careers. None of the defendants has a criminal record. Indeed, the defendants have not been in trouble of any kind before now, and they all apparently come from normal, stable, caring, working-parent homes. All three defendants are fully dependent on their parents for financial support. All defendants, however, are under the age of twenty-one, and they drink alcoholic beverages in amounts that would be excessive for adults.

The offenses charged are very serious criminal acts. The offenses, as well as the strength of the evidence, along with all other factors, however, are to be considered in the context of how they bear on the ability of the court to assure the defendants' appearance in court and the safety of the community — would there be a real possibility that, if released,

the defendants would commit crimes? The conditions of release that can be imposed on these particular defendants are numerous and meaningful. Particularly because of the defendants' strong family resources and the court's confidence in the parents' willingness and ability to take control of their sons, it is determined that, if a \$50,000 bond, cash or property, is posted on behalf of each defendant,<sup>2</sup> they can be released on these stringent conditions which will reasonably assure their appearance in court and the safety of the community:

1. The mother and father shall serve as third-party custodians;
2. Must reside at their parents' homes;
3. Home confinement, twenty-four hours a day, seven days a week, with any exception to be approved by the USPO;
4. Electronic monitoring;
5. No consumption of alcohol;
6. Drug testing as directed by the USPO;
7. No communication with co-defendants;
8. No computers in the home;
9. No access to any motor vehicle, including keys.
10. Attend supportive mental health counseling if so directed by the USPO;
11. Must not commit any kind of criminal offense;
12. Must not interfere in the government's prosecution in any way; and
13. Defendant Moseley shall surrender his passport to the probation officer.

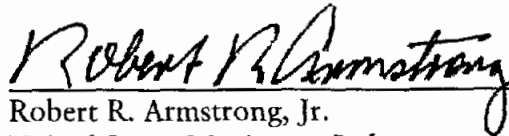
Failure to abide by any of these conditions would subject the defendants to immediate

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<sup>2</sup>The defendants stated that the amount of \$50,000 is reasonable.

revocation of their bonds. The court expects Probation to maintain frequent contact with the defendants. It is so ORDERED.

DONE this 16<sup>th</sup> day of March, 2006.

A handwritten signature in cursive script, reading "Robert R. Armstrong, Jr.", written over a horizontal line.

Robert R. Armstrong, Jr.  
United States Magistrate Judge